REMARKS

This is in full and timely response to the Office Action dated June 13, 2007.

Claims 4-6, 22, 24, 29-31, 34, 39, 41, 49-51, 54, 61, 69, 70-74, 95-100, 102-103, 107-110, 112, 133-138, 140-143, 145, 148, 155-162 are currently pending in this application, with claims 4, 22, 24, 29, 39, 49, 69, 95, 99, 100, 107, 133, 137, 138, 142 being independent.

No new matter has been added.

Reexamination in light of the following remarks is respectfully requested.

Information Disclosure

Several references cited within the Office Action are unlisted either on a Notice of References Cited or an Information Disclosure Statement by Applicant.

A listing of all references cited within the Office Action is respectfully requested.

Double patenting

U.S. patent practices and procedures set forth within M.P.E.P. §804(II)(B)(1) dictate that:

> Since the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. 103(a) rejection, the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are

employed when making an obvious-type double patenting analysis. These factual inquiries are summarized as follows:

(A) Determine the scope and content of a patent claim relative to a claim in the application at issue;

(B) Determine the differences between the scope and content of the patent claim as determined in (A) and the claim in the application at issue;

(C) Determine the level of ordinary skill in the pertinent art; and

(D) Evaluate any objective indicia of nonobviousness.

The conclusion of obviousness-type double patenting is made in light of these factual determinations.

Any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined by the conflicting claims - a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue >is anticipated by, or< would have been an obvious variation of >,< the invention defined in a claim in the patent.

As an initial matter, claims 4-6, 22, 24, 29-31, 34, 39, 41, 49-51, 54, 61, 69, 70-74, 95-100, 102-103, 107-110, 112, 133-138, 140-143, 145, 148, 155-162 are presently found within the above-identified application.

Note that the features of prior claim 101 have been wholly incorporated into claim 100, the features of prior claim 139 have been wholly incorporated into claim 138, and the features of prior claim 144 have been wholly incorporated into claim 142.

Regarding the rejection of the claims on the ground of non-statutory obviousness-type double patenting, the Office Action fails to:

(A) Determine the scope and content of any of claims found within the cited prior art relative to ***each*** of the claims 4-6, 22, 24, 29-31, 34, 39, 41, 49-51, 54, 61, 69, 70-74, 95-100, 102-103, 107-110, 112, 133-138, 140-143, 145, 148, 155-162 of the above-identified application;

(B) Determine the differences between the scope and content of any of claims found within the cited prior art as determined in (A) and ***each*** of the claims 4-6, 22, 24, 29-31, 34, 39, 41, 49-51, 54, 61, 69, 70-74, 95-100, 102-103, 107-110, 112, 133-138, 140-143, 145, 148, 155-162 of the above-identified application.

Accordingly, the Office Action is *incomplete* regarding a rejection of claims 4-6, 22, 24, 29-31, 34, 39, 41, 49-51, 54, 61, 69, 70-74, 95-100, 102-103, 107-110, 112, 133-138, 140-143, 145, 148, 155-162 of the above-identified application as allegedly being rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over any of claims found within the cited prior art.

Withdrawal of these rejections is respectfully requested.

Rejections under 35 U.S.C. §102 and 35 U.S.C. §103

The Office Action includes a rejection of claims 1-2, 7, 9-13, 18-21, 23, 25-28, 33, 38, 40, 43-48, 53, 58, 63-67, 75, 77- 81, 88-94, 96-98, 100, 102, 104-105, 111, 113, 115-119, 126-132, 134-136, 138, 140, 142-143, 145, 147-148, 155-159, 161-165 under 35 U.S.C. §102 and 35 U.S.C. §103.

This rejection is traversed at least for the following reasons.

No rejection of prior claims 3-6, 8, 22, 24, 29-31, 34, 39, 41, 49-51, 54, 61, 68-74, 76, 95, 99, 101, 103, 106-110, 112, 114, 133, 137, 139, 141, 144, 146, 160 is found within the Office Action.

Accordingly, claims 4-6, 22, 24, 29-31, 34, 39, 41, 49-51, 54, 61, 69, 70-74, 95-100, 102-103, 107-110, 112, 133-138, 140-143, 145, 148, 155-162 are presently found within the above-identified application.

In this regard, note that the features of prior claim 101 have been wholly incorporated into claim 100, the features of prior claim 139 have been wholly incorporated into claim 138, and the features of prior claim 144 have been wholly incorporated into claim 142.

Withdrawal of these rejections is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Therefore, this response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

There is no concession as to the veracity of Official Notice, if taken in any Office Action. An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees. If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: December 11, 2007

Respectfully submitted,

By_____
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